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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,055	02/09/2004	Anthony Kit Lun Leung	884.0219USU	9004
47545	7590	01/18/2006	EXAMINER	
STEVEN A. GARNER, ESQ. CONAIR CORPORATION ONE CUMMINGS POINT ROAD STAMFORD, CT 06902			MANAHAN, TODD E	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,055

Applicant(s)

LEUNG, ANTHONY KIT LUN

Examiner

Todd E. Manahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-15, 17, 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) .<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 8-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (GB Patent No. 2,405,584) in view of Okumoto et al. (United States Patent No. 6,173,718).

Henson discloses a hair styling appliance comprising a first handle 12, a second handle 16 operatively connected to the first handle, a working surface or paten on each handle, and a heater in the handles for heating the working surface. The working surface or paten may be made of glass (see page 2, lines 9 and 10). Henson discloses the invention essentially as claimed except for the appliance having a flocked outer surface. Okumoto et al. discloses a hair styling appliance having flocking on the outer surface thereof to lessen the sensation of heat when it comes in contact with skin (see figure 7 and col. 5, lines 22-34). It would have been obvious to one skilled in the art to provide the styling appliance of Henson with flocking on the outer surface thereof in view of Okumoto et al. in order to lessen the sensation of heat when it comes in contact with skin. Regarding claims 9-11 it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the glass surface with a roughness of less than 4800 Ra, 150 Ra-4800 Ra, or 100 Ra, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges

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involves only routine skill in the art. In re Aller, 105 USPQ 233. Regarding claims 12 and 13, to further secure the glass patens to the handle members with an adhesive would have been obvious to one skilled in the art should it be desired to prevent the patens from being removed.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Okumoto et al. as applied to claim 4 above, and further in view of Lo (United States Patent No. 6,223,753).

Lo discloses a hair styling device with a textured working surface. It would have been obvious to one skilled in the art to make the glass working surface textured in view of Lo in order to impart a wavy contour to the hair.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Okumoto et al. as applied to claim 2 above, and further in view of Edwards (United States Patent No. 5,273,058).

Edwards discloses it is known in the art to provide hair styling devices with anti-static material disposed in or on the device to prevent hair from sticking thereon (see col. 3, lines 18-21). It would have been obvious to one skilled in the art to provide the styling device with an anti-static material in view of Edwards to prevent hair from sticking thereto.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (United States Patent No. 1,433,696) in view of Henson.

Wright discloses a hair styling appliance comprising a first handle 5, a second handle 6 operatively connected to the first handle, a working surface or paten 13 on at least one handle; and a heater in at least one handle for heating the paten. The heater comprises a rope heater assembly 9 and a heat spreader 8 (see figure 2). Wright does not disclose the paten being made

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of glass. Henson discloses that it is known in the art to make a paten of a styling appliance of metal, glass or a glass ceramic. It would have been obvious to one skilled in the art to make the patens of Wright of glass in view of Henson since Henson teaches that metal and glass are known functional equivalent materials in the art for making paten for a hairstyling appliance.

***Response to Arguments***

Applicant's arguments with respect to claims 2, 4-15, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 571 272- 4713. The examiner can normally be reached on Mon-Fri.

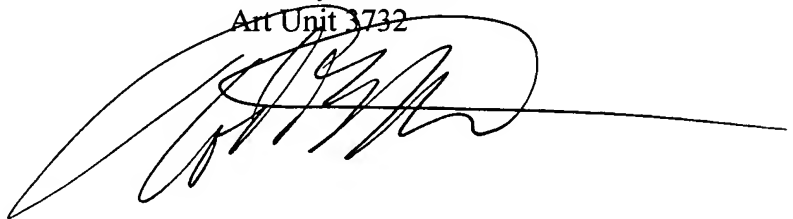
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571 273-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd E. Manahan  
Primary Examiner  
Art Unit 3732

T.E. Manahan  
12 January 2006

A handwritten signature in black ink, appearing to read 'T.E. Manahan', is written over the printed name and title. The signature is stylized with a large, sweeping initial 'T' and 'M'.